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7590 01/04/2007 Elsa Keller, Legal Assistant Intellectual Property Department SIEMENS CORPORATION 186 Wood Avenue South Iselin, NJ 08830	**EXAMINER** VO, TED T

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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/975,681	HALEY ET AL.
	Examiner	Art Unit
	Ted T. Vo	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 October 2006*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 05/13/2005.

Claims 1-19 are pending.

Response to Arguments

2.   Applicants' arguments have been fully considered. Arguments remain failing to point out where a

patentable distinction in the claims is. The amendment is only change the language in the claims.

Microsoft, the Microsoft Expression Builder of **Microsoft** discloses the specification that supports the

claims. The Microsoft Expression Builder provides principle functions discussed in the application

specification.

It should be noted that a claimed application which attempts to change the size, shape, or to

arrange an element/elements in a prior art couldn't be make those changes/arrangements patentably

distinct.

In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955), the court rules that change in size does

not patentably distinguish over the prior art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), the

court held that the change in shape is not patentable over the prior art. Ex parte Rubin, 128 USPQ 440

(Bd. App. 1959), add Ingredients are not patentable over the prior art.

Furthermore, numerous cases were ruled, such as Making Separable and Making Adjustable the

elements in a prior art would not patentable over the prior art.

Applicants' arguments indeed fail to point out any patentable features, but amount generic

allegations felt within the cases ruled out by the court. It appears the some language used in the claims

may be differently from terms used by Microsoft, but the whole functionality of the claims remains the

same as in the Microsoft's EB. From re Rose, the changes in shape, size, or language, do not make a

claim patentably distinct. For example, typing the language such as patient, patient address, patient

medical record, etc, at an item in the file system is only typing label. Typing a name or selectively using

the language of a file name in the file system cannot be a patent infringement because this is belonged to

public interests. Furthermore, a limitation in which its existence does nothing is mere data or

nonfunctional descriptive material.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a
> printed publication in this or a foreign country, before the invention thereof by the applicant for a
> patent.
> (b) the invention was patented or described in a printed publication in this or a foreign country or
> in public use or on sale in this country, more than one year prior to the date of application for
> patent in the United States.

4.   Claims 1-2, 4-6, 8-15, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by the

Smith, US PAT. No. 5,798,757.

Given the broadest reasonable interpretation of followed claims in light of the specification.

<u>As per Claim 1</u>: Smith discloses, *A system for providing a user interface display image support user entry*

of an expression (See col. 3: 31 'Expression Builder': *A system*), *comprising:*

user interface menu generator for providing a displayable image (Fig 1C, this Figure

provides File, Edit, Text, Drawing for creating images, shown as a whole in a EB representation)

including a first image window listing a <u>set</u> *of data items* (See FIG 2.C, e.g., Category, Type, etc)

<u>*associated with a corresponding expression*</u> (e.g. "abcdefg" or whatever typed by a user in to the text

area under Expression) <u>*and excluding data items unassociated with said corresponding expression*</u>

(e.g. if chosen "constant", the type shown only Character, Date etc., does not show the types in Field or

Function), *individually selectable from a plurality of different types of predetermined data items*

(i.e., a data item in Type is individually selectable from a predetermined data items in that Type window

of a plurality of different types) *available for incorporation in an expression used for calculating a*

result value (i.e. the enter of an expression associated with the selections) <u>*said plurality of different*</u>

<u>*types of predetermined data items comprises predetermined data items and associated*</u>

<u>*predetermined allowable values for a corresponding predetermined data item*</u>

(i.e. with the user selection in Category, Type, it will provide an allowable value corresponding to the

selection of the predetermined data items shown in these menus),

   an image prompt element for permitting user entry of said expression and for

incorporating a data item in an entered expression from said listed data items to provide a

resultant expression (See "Paste", e.g., See FIG. 3B, with a selection of "Operator" in category, and a

type in Type, will prompt a list of elements to permit a user to select entries for an expression, wit this type

of selections will provide a resultant expression) *used for calculating a result value in response to*

user selection of said data item in said first image window (any entered expression in the text

window is used for calculating a result value, for example, see a sample expression in FIG 3C, a result

value ".T." is shown provided by the calculation of the expression 321); *and*

   an icon for initiating storing of said resultant expression (for example, See FIG. 2C,

Command Window ('*an icon*'), it allows user to create, edit, store, an expression); *and*

   an expression processor for processing said resultant expression to provide a calculated

result value in response to user command (The processor run the EB).

<u>As per Claim 2</u>: Smith discloses, "*A system according to claim 1, wherein*

said data item is incorporated in said expression together with an operator comprising at least

one of, (a) a logical operator (See any Figure, Type With selection of Logical, prompts "PASTE") *and*

(b) an algebraic operator to provide resultant expression (See any Figure, Type With selection of

Numeric, prompts "PASTE"), *and*

<u>*said expression processor provides pre-expression execution syntax checking to validate an*</u>

<u>*expression*</u> (See col. 3: 59, Safety Net: *pre-expression execution syntax*).

<u>As per Claim 4</u>: Smith discloses, *A system according to claim 1, wherein predetermined data items are*

individually selectable by selection of displayed elements in a hierarchy tree structure, said displayed

elements representing predetermined data items (The each item in Category prompts to a list of Type, each item in Type prompts to a list of Paste: *hierarchy tree structure*).

Examiner Note: Claiming display hierarchy structure is only to utilize available programming modules such as Java or ActiveX. For example Microsoft shows the file system. The hierarchy structure is now seen a lot in WebPages, and it belongs to Pubic interests.

As per Claim 5: Smith discloses,

"A system according to claim 1, wherein said expression processor initiates generation of a displayed notification to a user indicating said entered expression is invalid and said expression processor initiates generation of a display notification to a user indicating said enter expression is invalid (It is part of Syntax check, e.g. see col. 9: 26, a warning "Wrong Result Type").

As per Claim 6: Smith discloses,

"A system according to claim 1, wherein said displayable image includes an icon for initiating verification an entered expression is valid; and said verification includes a syntax check of said enter calculable expression (E.g., See Icon "Safety Net" in the FIG. 4B, and the notation "You needs to fill in placeholder elements").

As per Claim 8: Smith discloses,

"A system according to claim 1, wherein said plurality of different types of predetermined data items include miscellaneous values comprising predetermined specific words (See in "Type", associated with each selected Category).

As per Claim 9: Smith discloses,

"A system according to claim 1, wherein displayable image includes an image prompt element supporting user entry of a name for identifying a resulting expression (See "Paste", e.g., See FIG. 3C, with a selection of an item in category, and a type in Type, will prompt a list of elements supporting user entry of a name, for example, COMPANY (*a name*) seen in the area of Expression); *and*

said user interface menu generator provides an image window permitting user selection of a template calculable expression from a plurality of predetermined template expressions." (The Paste includes

means *interface menu generator* to allow the user selecting a template of calculable expression. For example, Figure 4A, give a template of SUBSTR (....)).

As per Claim 10: Smith discloses, "*A system according to claim 1, wherein said user interface menu generator provides an image window permitting user selection of a template calculable expression from a plurality of predetermined template calculable expressions* (The Paste includes means *interface menu generator* to allow the user selecting a template of calculable expression. For example, Figure 4A, give a template of SUBSTR (....)).*

and said image prompt element incorporates a selected template calculable expression in response to user selection of said selected template calculable expression." (Highlight on SUBSTR will prompt this template in the area of expression).

As per Claim 11: Smith discloses, "*A system according to claim 1, wherein said first image window lists a plurality of selectable data items in a hierarchical tree type structure.*" (See Category → Type → Paste).

As per Claim 12: Smith discloses, "*A system according to claim 1, wherein said icon for initiating storing of said resulting expression initiates allocation of a version number identifier to said resulting expression*" (See col. 7, 25-67, toolbar 202 has icon prompts a user to a location of storing expression in "Command" (FIG 2C). This location allows the user to edit modify change that reads the speciation, supported for this claim).

Note: See in the argument, change the language, or shape of an element, but the purpose does the same with the prior art cannot make the claimed functionality different.

As per Claim 13: Claim 13 duplicates the limitations of Claim 1 and 12. See the rejection of Claim 1 and 12.

As per Claim 14: Claim 14 duplicates the limitations of Claim 1 and part of claim 2. See the rationale addressed in Claim 1 and claim 2.

As per Claim 15: Smith discloses, *a calculable expression* (see in the Figures, the expression) *and said expression processor processes said resultant expression to provide a calculated result value in response to said user command* (the computer run the EB, in response to the user enter OK).

As per Claim 17:

Claim recites the limitations that perform the functionality corresponding to the functionality as recited by

limitations of Claim 1 and part of Claim 2. See rationale addressed in Claim 1 and 2 above.

As per Claim 18: Smith discloses, "*A system according to claim 17, wherein said expression processor*

processes said resultant expression to determine said resultant expression is valid (Safety Net) *and*

wherein said system for providing a user interface display image comprises machine executable code

stored on a tangible storage medium." (See in FIG. 2A, icons beneath "All").

As per Claim 19: Claim 19 duplicates the limitations of Claim 1 and part of Claim 6. See rationale

addressed in Claim 1 and Claim 6.

5.   Claims 1, 4-6, 8-13, 15, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by the

Microsoft Access 2000, (hereinafter: Access 2000) provided by University of Southern California

(hereinafter: USC), "Access 2000 Advance Queries",

(http://www.marshall.usc.edu/computing/PDF_Files/Access/Access2000-Adv_Queries.pdf, 3-2000), and

provided by University of Illinois at Springfield (hereinafter: UIS), "Intermediate Access II"

(http://www.uis.edu/ctl/training/handouts/intaccess2.pdf, 3-2000).

2131.01   Multiple Reference 35 U.S.C. 102 Rejections

Normally, only one reference should be used in making a rejection under 35 U.S.C. 102.
However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper
when the extra references are cited to:
(A)   Prove the primary reference contains an "enabled disclosure; "
(B)   Explain the meaning of a term used in the primary reference; or
(C)   Show that a characteristic not disclosed in the reference is inherent.
(See paragraphs I-III in 2131.01 for more explanation of each circumstance).

It should be noted that Microsoft Expression builder is known before 2000.

        Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Access2000 including its Expression Builder (EB) discloses, *A system for providing a*

user interface display image support user entry of an expression (that is, the Access 2000 with the EB as

seen in by USC, p. 21), *comprising:*

user interface menu generator for providing a displayable image (i.e. the EB. See USC, p. 20-23: all items 1-48, that tutor a user for using an EB) *including*

a first image window listing a __set__ of data items (USC, p. 21: in the EB having the window ('EB Window') that shows data items Query1, Constants, Operators, etc) __associated with a corresponding__ __expression and excluding data items unassociated with said corresponding expression,__

individually selectable from a plurality of different types of predetermined data items (The EB window provides a user individually selects a plurality of different types (i.e. subdirectory of Query1) of predetermined data items (i.e. Query1)) *available for incorporation in an expression used for calculating a result value* (USC, p. 21: The window shown with "Construct your equation here"), __said__ __plurality of different types of predetermined data items comprises predetermined data items and__ __associated predetermined allowable values for a corresponding predetermined data item__ (See the three lower windows within the EB. For example, see USC, p. 21 using the IFF, and see p. 15 that show the IFF using different types of predetermined data items comprise predetermined data items associated with predetermined allowable values or ranges used in the expression of the IFF. Another example, See UIS, p.8, the Expression Builder using an Absolute Function in the item Built-in Functions),

an image prompt element for permitting user entry of said expression and for incorporating a data item in an entered expression from said listed data items to provide a resultant expression (USC, p. 21: The window shown with "Construct your equation here") *used for calculating a result value in response to user selection of said data item in said first image window* (USC, p. 20-23: all items 1-48, for seeing how such a response from a selection of data items); *and*

an icon for initiating storing of said resultant expression (See the Icon "OK" in the EB); *and*

an expression processor for processing said resultant expression to provide a calculated result value in response to user command (That is the DLLs provided within the Microsoft Windows supporting Access 2000 for running this application).

As per Claim 4: Access2000 including its Expression Builder (EB) discloses, *A system according to claim 1, wherein predetermined data items are individually selectable by selection of displayed elements in a hierarchy tree structure, said displayed elements representing predetermined data items* (USC, See the first window in the EB, that is a standard hierarchy tree structure. Another example, see UIS, p.8, the hierarchy tree structure of Functions and Built-in Functions).

As per Claim 5: Access2000 including its Expression Builder (EB) discloses,

"*A system according to claim 1, wherein said expression processor initiates generation of a displayed notification to a user indicating said entered expression is invalid and said expression processor initiates generation of a display notification to a user indicating said enter expression is invalid* (Note: initiates generation of a displayed notification is part of Microsoft window, For example, in USC, see p. 26-27 the popup "Microsoft Access" that is responsive to running a query. See UIS, p.3, it has means for popping a dialog box when data is entered in correctly (referring to item 10, p.3). In p. 8, the Validation Rule is in the Properties section).

As per Claim 6: Access2000 including its Expression Builder (EB) discloses,

"*A system according to claim 1, wherein said displayable image includes an icon for initiating verification an entered expression is valid; and said verification includes a syntax check of said enter calculable expression* (See UIS, p. 8, the Validation Rule is in the Properties section of the EB).

As per Claim 8: Access2000 including its Expression Builder (EB) discloses,

"*A system according to claim 1, wherein said plurality of different types of predetermined data items include miscellaneous values comprising predetermined specific words* (Referring terms shown in Fields or Table).

As per Claim 9: Access2000 including its Expression Builder (EB) discloses,

"*A system according to claim 1, wherein displayable image includes an image prompt element supporting user entry of a name for identifying a resulting expression and*

said user interface menu generator provides an image window permitting user selection of a template calculable expression from a plurality of predetermined template expressions." (See all the Figures associated with the EB).

As per Claim 10: Access2000 including its Expression Builder (EB) discloses, "A system according to claim 1, wherein said user interface menu generator provides an image window permitting user selection of a template calculable expression from a plurality of predetermined template calculable expression and said image prompt element incorporates a selected template calculable expression in response to user selection of said selected template calculable expression." (Built-in Functions showing template calculable expression in the far right window of the EB).

As per Claim 11: Access2000 including its Expression Builder (EB) discloses, "A system according to claim 1, wherein said first image window lists a plurality of selectable data items in a hierarchical tree type structure." (See in the EB, the data items appeared under a standard hierarchy structure. When click on a data item, it prompts a list of selectable data items).

As per Claim 12: In the context of the specification FIG. 3, 314, 318, 324, 326, Access2000 including its Expression Builder (EB) discloses, "A system according to claim 1, wherein said icon for initiating storing of said resulting expression initiates allocation of a version number identifier to said resulting expression" (See UIS, the discussion of updating query where the query presents a resulting expression and this resulting expression requires an update/change. See text discussed in p. 3).

As per Claim 13: Claim 13 duplicates the limitations of Claim 1 and 12. See the rejection of Claim 1 and 12.

As per Claim 15: Access2000 including its Expression Builder (EB) discloses, a calculable expression (See USC, p. 21, the EB, "construct your equations here". A user who are prompted by this window can enter a simple calculable expression) and said expression processor processes said resultant expression to provide a calculated result value in response to said user command (That is the DLLs provided within the Microsoft Windows supporting Access 2000 for running the expression entered by the user).

As per Claim 19: Claim 19 duplicates the limitations of Claim 1 and part of Claim 6. See rationale

addressed in Claim 1 and Claim 6.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

7.   Claims 3, 7, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Smith, US

PAT. No. 5,798,757.

As per Claim 3: Smith discloses,

plurality of different types of predetermined data items (See Category, Type) that forms the elements

of an expression, but does not particularly name the elements such as

at least one of (a) a patient identifier, (b) a medical condition identifier, (c) a patient address and

(d) patient medical record information.

However, the above limitation is mere data limitations that are only non-functional descriptive

materials without functionality involvement in the recited system, i.e. a user who uses the EB can create a

database with the information related to a specific business (See *In re Gulack*, 703 F.2d 1381, 1385, 217

USPQ 401, 404 (Fed. Cir. 1983); In *re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) -

Descriptive materials will not distinguish the claimed invention from the prior art in terms of patentability).

It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to include any data type because the window allows to edit, and data items are only descriptive

materials not to distinguish the claimed limitation from the prior art, but they are there only for conforming

with business requirement.

As per Claim 7: Smith disclose the expression processor to result a generic resultant expression, but

does not particularly names the resultant expression is used in the calculation of financial reimbursement,

as noted in the claim 7.

However, the above limitation is mere data limitations and added intentionally to particularly

mathematical calculation, i.e., expression is formulated to in financial formula, i.e., a pure math.

It would have been obvious to a person of ordinary skill in the art to enter a financial expression in

the expression window, complied with the syntax check, will provide the same result as the claim. Data

limitations or enter with particular expression does not limit Claimed patentable distinct from Smith.

As per Claim 16: Claim 16 duplicates the limitation of Claim 1 and Claim 2, Claim 3, where the rejection of

Claim 1 and 3 are indicated in the 102. The obviousness of some features of Claim 3 in combined with

the limitations of Claims 1 and 2 is given in the rationale addressed in the rejection of Claim 3 above, i.e.,

the limitation of Claim 3 is mere data limitations that are only non-functional descriptive materials without

functionality involvement in the recited system, i.e. a user who uses the EB can create a database with

the information related to a specific business (See In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401,

404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) - Descriptive materials

will not distinguish the claimed invention from the prior art in terms of patentability).

It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to include any data type because the window allows to edit, and data items are only descriptive

materials not to distinguish the claimed limitation from the prior art, but they are there only for conforming

with business requirement.

8.   Claims 2, 14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Microsoft

Access 2000, (hereinafter: Access 2000) provided by University of Southern California (hereinafter: USC),

"Access 2000 Advance Queries", and provided by University of Illinois at Springfield (hereinafter: UIS), in view of Smith, US PAT. No. 5,798,757.

As per Claim 2: Microsoft in Access2000 including its Expression Builder (EB) as in the reference of records do not explicitly address ***said expression processor provides pre-expression execution syntax checking to validate an expression.***

However, Smith teaches "Safety Net" (See col. 10 and col. 11:16) that provides a user pre-expression execution for syntax checking. Smith suggests (col. 10:15-23) that with this feature, it helps the users who are not familiar with a target language, command syntax ("*expression*"), entering valid syntax of an expression. Therefore, it is obvious to include the pre-expression execution syntax checking in the Microsoft EB for helping those who are not similar to a valid syntax of an expression builder.

As per Claim 14: Claim 14 duplicates the limitations of Claim 1 and part of claim 2. See the rationale addressed in Claim 1 the obviousness for combined with Smith as in the rejection of claim 2 above.

As per Claim 16: Claim 16 duplicates the limitation of Claim 1 and Claim 2, Claim 3, where the rejection of Claim 1 is indicated in the 102. The obviousness of for combination with some features of Claim 2, as indicated in the rejection of Claim 2 above. The obviousness for including non-functional descriptive material as duplicated part of Claim 3 in the Claim 16 is in the manner *In re Gulack*. The duplicated limitation from claim 3 recited in Claim 16 is mere data limitations that are only non-functional descriptive materials without functionality involvement in the recited system, i.e. a user who uses the EB can create a database with the information related to a specific business (See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In *re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) - Descriptive materials will not distinguish the claimed invention from the prior art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include any data type because the window allows to edit, and data items are only descriptive materials not to distinguish the claimed limitation from the prior art, but they are there only for conforming with business requirement.

As per Claim 17: Claim 17 duplicates the limitations of Claim 1 and part of claim 2. See the rationale addressed in Claim 1 the obviousness for combined with Smith as in the rejection of claim 2 above.

<u>As per Claim 18</u>: Claim 18 is further limitation of Claim 17, where Access2000 including its Expression Builder (EB) discloses, "*A system according to claim 17, wherein said expression processor processes said resultant expression to determine said resultant expression is valid* (the Safety Net run by the processor of the computer will provide validation of the resultant expression) *and wherein said system for providing a user interface display image comprises machine executable code stored on a tangible storage medium*" (That is the hard-drive of a computer that store the Microsoft Access 2000/EB software, or Smith's EB).

9.   Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Microsoft Access 2000, (hereinafter: Access 2000) provided by University of Southern California (hereinafter: USC), "Access 2000 Advance Queries", and provided by University of Illinois at Springfield (hereinafter: UIS),

<u>As per Claim 3</u>: Access2000 including its Expression Builder (EB) discloses,

plurality of different types of predetermined data items such as (See USC, p. 21 the field includes data items such Company name, Country, etc),

but not explicitly address,

at least one of (a) a patient identifier, (b) a medical condition identifier, (c) a patient address and (d) patient medical record information.

However, the above limitation is mere data limitations that are only non-functional descriptive materials without functionality involvement in the recited system, i.e. a user who uses the EB can create a database with the information related to a specific business (See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In *re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) - Descriptive materials will not distinguish the claimed invention from the prior art in terms of patentability).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include any data type because the window allows to edit, and data items are only descriptive materials not to distinguish the claimed limitation from the prior art, but they are there only for conforming with business requirement.

As per Claim 7: Access2000 including its Expression Builder (EB) discloses, *"wherein said expression processor resolves said resultant expression to provide a result,*

but does not explicitly address, *comprising a financial reimbursement sum determined by health care policy terms.*

However, the above limitation is mere data limitations, i.e, it includes *a financial reimbursement sum,* that is pre-empting of a formulary calculations. The whole recitation *"comprising a financial reimbursement sum determined by health care policy terms"* of the above limitation describes *said resultant expression* to a certain business, but **does not cause any transition or change** when this type of resultant expression put in the scope of the claim. Thus, that recitation, *comprising a financial reimbursement sum determined by health care policy terms"* is only non-functional descriptive, a mathematical preemption (See *In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In *re Lowry,* 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) - Descriptive materials will not distinguish the claimed invention from the prior art in terms of patentability).

It would have been obvious to a person of ordinary skill in the art to enter a financial expression in the expression window, complied with the syntax check, will provide the same result as the claim. Data limitations or enter with particular expression does not limit Claimed patentable distinct from Microsoft EB.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed,

and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
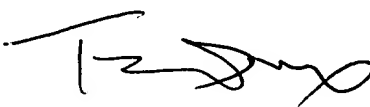
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
December 22, 2006

TED VO
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100